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C O N F I D E N T I A L SECTION 01 OF 07 USOSCE 000292

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SUBJECT: OSCE WEEKLY HIGHLIGHTS: DECEMBER 9 - 18, 2009

Classified By: Charge d'Affaires Carol Fuller for Reasons 1.4(B)&(D)

Special Reps to Revisit Proposed Support Team for South
Ossetia Region

11. (SBU) Staff in the OSCE Secretariat's Conflict Prevention Center (CPC) told PolOff December 8 that Special Representative Christopoulos and Special Representative-designate Nurgaliev intend to visit Tbilisi and Tskhinvali December 14 and 15 to revisit the idea of establishing a small team to support the OSCE's participation in the Geneva Talks and the IPRM for the South Ossetia region. Some in the CPC are optimistic there might be a window of opportunity to move ahead, highlighting as positive factors Nurgaliev's quick agreement to the trip, his likely rapport with the South Ossetians and the Russians (South Ossetian authorities reportedly agreed to the visit quickly and without preconditions), and the Kazakhstanis' presumed interest in achieving a quick deliverable for their OSCE Chairmanship. Others in the CPC are less optimistic there will be any immediate progress, noting the South Ossetians continue to object to OSCE involvement in the region. Greek and Kazakhstani representatives told PolOff they expected no immediate breakthrough, and added that Christopoulos and Nurgaliev planned simply to gauge all sides' interest in the team. Georgian PermRep Gaprindashvili downplayed expectations, but expressed hope that South Ossetian authorities would be more open to cooperation, as Nurgaliev likely would be "emotionally more acceptable than any European."

Moldova Says Ministerial Negotiations Useful, Outcome
Unsurprising

12. (SBU) A Moldovan representative told PolOff December 8 that negotiations in Athens on a Ministerial statement on Moldova had allowed for useful discussions, even though they had broken down (as expected) over long-standing

disagreements on the CFE Treaty, the Istanbul Commitments, the presence of Russian peacekeepers in the Transnistrian region, and other issues. On a related note, a CPC representative said he expected no major developments in 2010 on efforts to resolve the Transnistria conflict, but believed the informal bilateral meetings between lead negotiators Osipov and Yastrebchak would continue (the next reportedly could take place as early as December 12), and thought progress on confidence- and security-building measures was possible. Meanwhile, talk of a possible 3 2 visit to Chisinau and Tiraspol in December seems to have faded, following the December 7 failure of the Moldovan parliament to elect a president.

EU Troika Discusses Athens Aftermath and Corfu Process Status

13. (SBU) In a meeting with the EU Troika on December 9, Swedish Ambassador Bard-Bringqus lauded the outcome of the Athens Ministerial Conference. She stated that Athens produced the most substance since the 1999 Istanbul Summit, especially in the areas of European security dialogue through the Corfu Process and the future of the 2nd Dimension. She expressed a desire to address "the 'almost decisions,'" specifically the freedom of the media and climate change decisions that did not reach consensus. For example, Bard-Bringeus mentioned that Russia was more positive to the Climate Change decision than usual this year, which could signal greater cooperation in the future. Regarding the status of the Corfu Process, the Swedish Ambassador

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recognized that it has turned Russia into a stakeholder for European security, while solidifying the OSCE as primary forum for European security dialogue. She noted that there seems to be a move away from zero-sum mentality in terms of security dialogue and also welcomed Deputy Secretary Steinberg's positive statements about the Corfu Process. She appreciated the four U.S. priorities (conflict prevention, transnational threats, energy security and freedom of the media) Deputy Steinberg outlined in his plenary intervention.

Positive Reception for ODIHR Report on Elections in Afghanistan

14. (SBU) The Head of the ODIHR, Ambassador Janez Lenarcic, presented the Final Report from the OSCE/ODIHR Election Support Team (EST) for Afghanistan to the PC December 10. The report described widespread fraud, corruption and violence and serious problems with the Independent Election Commission and the Electoral Complaints Commission. In their responses most ps noted the numerous detailed recommendations for election reform and promised to study them. Turkey emphatically said it should be up to Afghanistan to decide whether to consider the recommendations. The Russian Federation (RF) welcomed the report's conclusions and recommendations and noted Moscow's support for the U.S. Administration's updated strategy for Afghanistan and Pakistan regarding the transfer of responsibility of Afghanistan to the Afghans. Deviating from his written text, however, Ambassador Azimov questioned the "usefulness of OSCE involvement in Afghanistan" and noted that "we don't have the right to risk lives (Afghanistan is only an OSCE partner." In response, the Afghan representative welcomed ODIHR's recommendations and thanked ps for financially supporting the EST.

Specifically in response to an EST recommendation that the Afghan Government consider postponing upcoming elections, the Afghan representative said delay was not an option, because, "to delay would risk everything we've gained. Elections will be held in 2010." In closing, Lenarcic said the timing of upcoming elections "is clearly the sovereign right of the Government of Afghanistan (however our mandate was to make recommendations, which is what we did." He welcomed an Afghan invitation to travel to Kabul the first week of February to deliver the report in person. During the Chair's subsequent private lunch, he stated frankly that the international meeting on Afghanistan in London January 28 will be critical to deal

with the corruption issues and that if another election were to happen in 2010 like the last one; the electoral system in Afghanistan will be "damaged beyond hope."

OSCE Office in Zagreb Extended Through 2010

15. (SBU) At the December 10 PC meeting pS agreed to a decision extending the mandate of the Office in Zagreb through the end of 2010. The decision also includes consensus versions of two paragraphs originally proposed by the Croatian delegation, this text recognizes "the significant progress achieved by the GoC in implementing its commitments in many fields in both areas of the mandate of the Office" and tasks the Office to produce a status report by the end of 2010 to be used as the basis for PS to evaluate fulfillment of the mandate and mandate-related tasks. The Croats sought to add this language once they realized that closing the office this year was not a possibility, and carefully choreographed its rollout with consultations with the U.S.

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starting Nov 20 and with the help of the Greek CiO who hosted informal consultations on Dec 7 with the U.S., RF, Germany, France, UK, NL, Finland, Sweden, Kazakhstan, and the Secretariat. The language, which was carefully calibrated from the beginning to be broadly acceptable to all pS, met little resistance during these consultations and later negotiations, except from Serbia who sought to make the tone more neutral and make the reference to progress more ambiguous. During remarks in the PC the Serbs also recalled a recent ICTY report in which prosecutor Brammertz gave a mixed report on Croatia's cooperation with the ICTY; Croatia rebutted this firmly as being unrelated and not relevant to the mandate of the Office.

Switzerland Deflects Criticism of Ban on New Minarets

16. (U) At the PC on Dec 10, Swiss Ambassador Marfurt announced his government's plans to implement the construction ban on new minarets as stipulated by the Nov 29 referendum* which it had tried to defeat. Calling the vote "an expression of a defensive attitude towards a globalised world in times of economic crises," he claimed it would not interfere with the freedom of religious expression of roughly 400,000 Muslims living in Switzerland. Should the European Court of Human Rights judge the ban to be unlawful, however, "Switzerland would be obliged to study it very carefully," Marfurt said, hinting that the Swiss government is looking for international help in form of condemnation to justify reversing the ban. The EU noted positively the concern expressed by the Swiss Foreign Minister Calmy-Rey at the Athen's Ministerial and urged Switzerland to fully respect OSCE commitments regarding freedom of belief.

EU Critical of Kyrgyzstan Treatment of Human Rights Defenders

17. (U) The EU issued a statement at the OSCE Permanent Council of December 10th criticizing actions taken by the government of Kyrgyzstan in the last 14 months against human rights defenders in Kyrgyzstan. Among the actions taken in four different cases was the denial of entry into the country including a ban of significant length, deportation, harassment and confiscation of materials. The EU characterized this as a "worrying trend in Kyrgyzstan to obstruct the work of human rights defenders" and urged Kyrgyz authorities to put an end to the harassment. The Ambassador of Kyrgyzstan said she would forward the statement to her government, but then asserted that Kyrgyzstan is a member of all significant international human rights documents and that if a NGO is acting within the law and its mandates, the Kyrgyz government will present no obstacles. She also mentioned that civil society in Kyrgyzstan enjoys many freedoms, such as freedom of expression for NGOs, but freedom of expression also includes a measure of responsibility.

International Human Rights Day Commemoration

18. (SBU) Both the EU and U.S. delegations commemorated December 10 as International Human Rights Day, which marks the 61st Anniversary of the adoption of the United Nations Universal Declaration of Human Rights (UDHR). Both statements focused on international obligations and OSCE commitments regarding the respect of human rights and fundamental freedoms, democracy and the rule of law. The EU expressed its regrets that decisions on the rule of law and media freedom did not pass and that the Hate Crimes decision

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did not include a reference to sexual orientation and gender identity. Similarly, the U.S. delegation noted its concern over human rights violations and acts of violence directed at individuals on account of their sexual orientation or gender identity and urged respect for the human rights of lesbian, gay, bisexual and transgender individuals in the OSCE region and around the world. The Russian Federation also offered an intervention that, while mentioning that the principles of the UDHR are important, centered on the revival and danger of Nazism, Fascism and extreme racial ideologies.

Central Asians Not United

19. (SBU) In an exchange of views on the Athens Ministerial, Russian Ambassador Anwar Azimov admitted to Charge Carol Fuller that there had been a backlash against him from Turkmenistan and especially Uzbekistan, which had both rejected his strong urging for them to join consensus on the decision on Freedom of the Media. In the end, Uzbekistan publicly rejected the decision, saying only that they could accept no decision that was "subject to a political deal." In a similar exchange, Kazakh ambassador Kairat Abdrakmanov confided that Uzbekistan had changed the positive language in the final Corfu Declaration on the Summit sought so dearly by Kazakhstan in the Corfu Declaration because, although Uzbekistan agrees there should be a Summit, they want it to be "either before or after 2010, but not during 2010"Q*the year of the Kazakh OSCE Chairmanship. He admitted that relations with Uzbekistan on some issues in the region are good, but not on others, and that the issue of the Aral Sea is particularly difficult. When asked if Uzbekistan might be given some leadership role under the Kazakh chairmanship, he suggested that fighting extremism and radicalism might be an option because of serious concerns in the Ferghana Valley. Asked again about Russia's blockage of OSCE training inside Afghanistan, he repeated "we are working on it."

Greeks Reverse Course on Partner Involvement in the Corfu Process

10. (SBU) At the December 11 joint meeting of the Asian and Mediterranean Contact Groups, Greek Amb. Marinaki announced that henceforth Partners would be invited to be an "active component" in the Corfu Process. This is a complete reversal in the Greek position, as they had previously resisted even giving the Partners the most basic summary of discussions taking place in the informal Ambassadorial-level Corfu meetings throughout the Fall. The Partners, clearly delighted with this change, thanked Amb Marinaki for the invitation and expressed their expectation to be "very frequent" participants in the informal Corfu Process meetings in 2010. The Greeks subsequently issued an invitation to all pS and Partners to attend the final informal Corfu session of the year on December 17, which will discuss the way forward. With this announcement, the Greeks have (intentionally or not) short-circuited the Corfu Process decision adopted last week in Athens. The decision specifies that the Chairmanship, "after close consultation with participating States" will invite the Partners for Cooperation and other guests to contribute to discussions on an ad hoc basis. To our knowledge, the Greeks did not consult with any pS before issuing what amounts to a standing invitation to the Partners.

¶11. (SBU) Russian ambassador Azimov told ChargQ that the RF would indeed like to find some joint projects for the US, Russia, and perhaps the EU to implement next year under the OSCE ministerial decision on transnational threats co-sponsored by the US and Russia. ChargQ said that it was too bad FM Lavrov objected to OSCE training in Afghanistan because it might be interesting to explore a joint US/Russia training project for the OSCE. To ChargQ's surprise, Azimov responded this might actually be interesting and recommended that the two ministers discuss it.

Representative for Freedom of the Media

¶12. (SBU) Greek CiO is reportedly trying to convince three countries to withdraw their candidates in favor of the leading candidate Bosnian Dunja Mijatovic so the appointment can be made by the Greeks this year. Russian ambassador Anwar Azimov told ChargQ today that the RF believes its candidate, Mikhail Fedotov, is the most qualified. He confided that Fedotov had appealed to the president Medvedev for support so that it will be difficult for the RF to withdraw him. Moreover, he said there is no hurry since Harazsti's term doesn't end until MarchQ*under the Kazakh CiO.

Kazakhstan appoints Special and Personal Representatives for 2010

¶13. (SBU) On Oct 16 Kazakhstan shared with us a list of confirmed Special and Personal CiO Representatives (SRs and PRs) for 2010 including Mr. Bolat Nurgaliev as SR for Protracted Conflicts; Mr. Andrzej Kasprzyk as PR on the conflict dealt with by the OSCE Minsk Conference; Mr. Costanzo Periotto as PR for Article IV of Annex 1B of the Dayton Peace Accords in September 2007; Mr. Helmut Napiontek as OSCE Representative to the Latvian-Russian Joint Commission on Military Pensioners; Mr. Struan Stevenson as PR on Ecology; and Mr. Vitautas Nauduzas as PR on Transport. The list also included three Special Envoys for Elections: Mr. Kimmo Kiljunen for Election Observation Mechanisms, Mr. Jes#s L"pez-Medel B scones for Election Observation and Mr. Marat Sarsembayev for Election Issues. Mr. A. Akhishev is named as Head of the High-Level Planning Group, Ambassador Heiner Horsten (Germany) as Chair of the Security Committee, Ambassador Alyaksandr Sychov (Belarus) as Chair of the Economic and Environmental Committee and Ambassador Ana Martinho (Portugal) as Chair of the Humanitarian Committee. The three Personal Representatives for Tolerance, Mr. Adil Akhmetov for Combating Intolerance and Discrimination against Muslims, Mr. Mario Mauro for Combating Racism, Xenophobia and Discrimination against Christians, and Rabbi Andrew Baker for Combating Anti-Semitism received reappointments. Kazakhstan said it may nominate additional Representatives) including one on Women's issues) who are expected to be announced shortly.

EU Shares Concern Over Kazakh Special Elections Representatives

¶14. (SBU) At the weekly US/EU meeting) the last one with Sweden in the EU Presidency) Ambassador Bard-BringQus shared our concerns about Kazakhstan's appointment of three Special Envoys for Elections. Although it is the prerogative of the Chair to appoint its own representatives, we need to make clear to the Kazakhstanis that they should not use these positions to encroach on ODIHR's independence or second guess its role in election observation.

¶15. (SBU) Following EU and U.S. statements at the December 17 Permanent Council meeting rejecting the legitimacy of the December 12 presidential "elections" in the Abkhazia region of Georgia, Russia again declared its decision to recognize the region's independence "irreversible and irrevocable" and argued that the "elections" reflected public support for building a democratic state based on the rule of law. Russia noted that a fourth country (Nauru) had recognized Abkhazia's independence, said others were considering doing the same, and declared that participating States should be "mindful" of this reality. In response, Georgia declared the "elections" fraudulent, noted that many citizens continued to be denied basic rights, and reiterated its call for Russia to end its occupation of Georgian territory.

PC Exchange on Zhovtis Case

¶16. (SBU) In response to U.S. and EU interventions at the December 17 PC criticizing the recent Kazakh judicial refusal to review the Zhovtis case, Russian ambassador Azimov implored pS to have "respect" for Kazakhstan as the incoming chair. "Imagine if you continue this, how it will be if Russia raises every human rights violations in Lithuania when they become the Chair!" Azimov said he did not rule out that Zhovtis might be pardoned but concluded that a "criminal should sit in prison; that is the law." For its part, Kazakhstan raised the same tired response it has twice previously submitted, to wit: Zhovtis, like 163 others was convicted in a trial that was "as transparent, open and unbiased as possible" where numerous Kazakhstani and international observers had "unimpeded access to the trial and the appeal." In a discussion with poloff after the PC, Kazakhstani DCM Usen Suleimenov angrily said A/S Blake just visited Kazakhstan and the Zhovtis case had been Q&fully explained to him." When poloff offered to meet later to discuss the case, Suleimenov said, "No, forget about this case."

EU/U.S. Note Closure of Democratic Society Party in Turkey

¶17. (SBU) Sweden, on behalf of the EU, at the December 17 PC stated its concern with the Turkish Constitutional Court decision to close the Democratic Society Party (DTP) and called upon Turkey to make the necessary constitutional amendments to bring its legislation on political parties in line with international commitments. In a much more muted tone, the U.S. encouraged all political actors in Turkey to pursue reconciliation, reflect democratic values, and refrain from the use or encouragement of violence. In response, Turkey noted that since the judgment has not yet been issued, preliminary reactions might not factor in all the evidence and legal reasoning that led to the decision. Turkey also stressed that relevant case-law of the European Court of Human Rights (ECHR), particularly its recent decision on a similar case where a political party was dissolved by a court decision in one of the EU member States, had been taking into account in this process. (Note: It is likely Turkey is referring to the June 2009 ECHR confirmation of a Spanish Supreme Court ruling to ban the Basque Batasuna Party.)

Office in Zagreb Report Says 2008 Housing Care Benchmarks in Last Phase

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¶18. (U) The December 16 biweekly report from the OSCE Office in Zagreb says final verification visits of 2009 show that the Housing Care benchmark for areas outside the Area of Special State Concern (ASSC) have been fulfilled. Further visits in early 2010 will be needed to see if outstanding cases inside the ASSC have been resolved. Primarily at issue are 68 cases where the HC recipients have not appeared to sign contracts, a Plenary decision in early 2010 will determine whether these cases should be considered resolved. The Office's October 2009 status report said that an additional approximately 1,500 families would need to be

accommodated in 2010 to fulfill the 2009 benchmarks.

Albania Likely to Push For Reductions in Presence Budget for 2011

¶19. (SBU) In a December 17 meeting a member of the Albanian delegation told poloffs that progress on reforms in Albania will warrant reductions in the 2011 budget of the OSCE Presence in Albania. Albania will likely not seek changes to the mandate as they did during negotiations on the extension of the Presence's mandate at the end of 2007 because of the controversy this caused, but will instead try to bring about reductions to its activities through budget negotiations in 2010. The delegate mentioned phasing out the OSCE's role in facilitation of cross-border cooperation meetings with neighboring states on border management and policing, and elimination of some of the Presence's second dimension activities such as promoting better governance in waste management. Also mentioned was the potential to close one or more of the four project offices outside Tirana, particularly the office in Kukes, with the justification that this area can now be effectively covered from Tirana with the completion of new transportation infrastructure and reduced travel time.

CiO Personal Rep For Transport Visiting Vienna to Discuss Mandate

¶20. (SBU) A member of the Lithuanian delegation told USDEL on Dec 15 that Lithuanian Ambassador-at-large Vytautas Nauduzas will be visiting Vienna Dec 17-18 for discussions with the Kazakhstanis on the mandate that will define his role as the CiO's Personal Representative (PR) on transportation issues during 2010. Nauduzas, who is currently attached to the MFA's Economic Security Policy Department, formerly served as the Lithuanian Ambassador to Turkey and as the Deputy Minister of Economy. He represented Lithuania and presented at the July 2009 Chairmanship conference on energy security held in Bratislava. The draft mandate under discussion would have him representing the CiO at conferences and similar events and with the UNECE and other IOs. The Lithuanian delegation said it is apparent that Kazakhstan will also take advantage of this PR where possible to promote their plans for road networks linking Europe to China and to Afghanistan.
FULLER